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Text of Proposition

Arguments

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Proposition 3

#

Title BASIC SCIENCE ACT

Year 1942

Proposition type initiative

Popular vote Yes: 584,324 (34.0%); No: 1,132,957 (66.0%)

Pass/Fail Fail

Summary

Creates Board of Examiners in basic sciences (naming five sciences) comprising five members with prescribed qualifications appointed by Governor. Requires persons obtain basic science certificate from said Board after written examination before applying to Medical, Dental, Osteopathic or **Chiropractic** Boards, or other governmental authority, for license to practice healing art (defining same) or any phase thereof. Exempts various professions, present licensees and persons treating sick by prayer in practice of any well-recognized religion. Prescribes examination fees, penalties for violations and disposition of fines, requiring proceeds therefrom used for administering Act. Declares existing statutes not repealed.

For

Argument in Favor of Initiative Proposition No. 3

The object of Proposition No. 3, the Basic Science Initiative, is to provide a means of insuring that all candidates seeking the right to care for sick and injured people in California shall first possess a reasonable knowledge of the sciences fundamental to the healing art.

When Proposition No. 3 becomes law, all applicants for a license to practice the healing art must first pass examinations in five basic sciences -- Anatomy, Physiology, Biochemistry, Bacteriology and Pathology. This examination is for the purpose of making a reasonable test as to whether the person so examined has some knowledge of the elementary principles of the basic sciences, which underlie the healing art.

The Basic Science examinations will be conducted by educators. The Board of Examiners will consist of five persons appointed by the Governor. All appointees shall be selected because of their knowledge of the Basic Sciences. Each appointee shall be and remain an associate professor or full professor in one or more of the Basic Sciences at a university or college in this State, of equal or higher rank than a State college, or an active full time member of the faculty in one or more of the Basic Sciences in a State college.

Only one member of the Board may be appointed from any one university, State college or other institution.

NO MEMBER OF THE BOARD SHALL BE ACTIVELY ENGAGED IN THE PRACTICE OF THE HEALING ART OR ANY BRANCH THEREOF.

The Board of Examiners in the Basic Sciences will be self-sustaining. There will be no cost to the taxpayers of California.

Present practitioners holding medical, dental, osteopathic or **chiropractic** licenses are exempt from the provisions of Proposition No. 3. Other exemptions include pharmacists, nurses, dental hygienists, optometrists, barbers, cosmetologists. Persons who treat the sick by prayer in practicing the religion of any well-recognized religious sect or organization are specifically exempt.

Sixteen States and the District of Columbia now have Basic Science Acts, to insure their sick and injured citizens of treatment by healers who have an elementary knowledge of the fundamental sciences relating to the human body. California is the only Pacific coast State that does not now have a Basic Science Act.

We wish particularly to emphasize the fact that the Basic Science Act will in no way affect the systems of healing now legally recognized in California. None of the rights or privileges of persons now legally engaged in practice will be disturbed. The people of California will continue to be free to select any legally licensed healer or system of healing. They will have the assurance, however, that the State of California guarantees that future licensees of the healing arts have an elementary knowledge of Anatomy, Physiology, Biochemistry, Bacteriology and Pathology. Every voter should want this protection for himself and his loved ones in case of illness or injury.

Vote "YES" on Proposition No. 3 and raise California's basic educational requirements in the healing arts to the level of other progressive States.

FOR(au) Dr. Ray Lyman Wilbur |t Chancellor, Stanford University.

FOR(au) Rufus B. Von Kleinsmid |t President, University of Southern California.

FOR(au) Tully C. Knoles |t President, College of the Pacific.

Against

Argument Against initiative Proposition No. 3

There exist in California four boards which regulate those who practice the healing professions. The proposed Basic Science Act is an attempt to create another unnecessary board. The Basic Science law was prepared by a minority group, who desire to exercise bureaucratic and monopolistic control over existing boards. It does not propose to dispense with any of the present boards. The functions of the new board will overlap the existing boards.

The laws of California require applicants who desire to practice the healing professions to have a knowledge of, and pass an examination in the basic and necessary science subjects before they can be licensed. Under the present laws, existing boards examine and license their respective groups. The proposed act does not dispense with this procedure, but provides that the new board give an examination in the basic subjects. There is no reason why applicants should be required to take additional and duplicate examinations before another board in substantially the same subjects.

The act provides that the sum of \$5,000 shall be appropriated from the General Fund of California to carry out the purposes of the act. The taxpayers of California are overburdened with terrific expenses of maintaining many boards and commissions which now unnecessarily interfere with the welfare and independence of the people. The people of California should not be required

to pay the expense of subsidizing a new and unnecessary luxury. We should not spend money on foolish governmental experiments when we are engaged in a life or death struggle for the preservation of human rights which the act is designed to destroy.

Applicants are required to pay an examination fee before they take examinations to be licensed. Under proposed act, students will have to pay a new and additional fee before they can take the examination now provided for.

The act is presented under the guise of higher education. This argument is used to deceive the voters. The facts are that the basic subjects, as defined in the act, are not materially different from the basic subjects now required of all prospective members of the healing professions. As a necessary curriculum for all the healing arts, the one proposed in the act is absurd. It was devised by a few individuals who are utterly ignorant of educational problems and who are imbued with oligarchical and bureaucratic ambitions. Their desire is not to raise the educational standards of the medical professions, but to obtain control over all the boards which the people of California have created for the purpose of regulating the healing arts.

The act is dangerous and strikes at the heart of democratic government. There are too many boards, bureaus and commissions in California now. The proposed act encourages bureaucratic trend and unrestricted control over the medical professions.

You are respectfully urged to vote "No" on Proposition No. 3.

Against(au) Public School Protective League |t By Emily W. Gregory, Executive Secretary.

**Text of
Prop.**

Sufficient qualified electors of the State of California have presented to the Secretary of State a petition and request that the proposed law hereinafter set forth be submitted to the people of the State of California for their approval or rejection, at the next ensuing general election. The proposed law is as follows:

(This proposed law does not expressly amend any existing law: therefore, the provisions thereof are printed in **BLACK- FACED[BOLD] TYPE** to indicate that they are **NEW**.)

PROPOSED LAW

The people of the State of California do enact as follows:

Section 1. This act be known as the "Basic Science Act."

Section 2. For the purposes of this act:

(a) The basic sciences include all of the following subjects: anatomy, physiology, biochemistry, bacteriology, pathology.

(b) Any person who undertakes or represents to be able to diagnose, treat, correct, adjust, palliate, operate or prescribe for any human disease, ailment, pain, injury, deformity or any physical or mental condition, or who shall either offer or undertake by any system, means or method to diagnose, treat, correct, adjust, palliate, operate or prescribe for any human disease, ailment, blemish, disfigurement, pain, injury, deformity or any physical or mental condition, or who shall either offer or undertake to replace or repair fixed or removable, lost or missing parts of the human body, or who shall either offer or undertake to perform any services in connection with pregnancy, miscarriage or childbirth, is engaged in the practice of the healing art. The words "healing art" wherever used in this act include and refer to the definitions set forth in this subsection.

(c) "Board" means the Board of Examiners in the Basic Sciences unless otherwise stated.

(d) Whenever any reference is made herein to any other law of this State, such reference shall apply to all amendments and additions thereto now or hereafter made.

Section 3. (a) There is hereby created and established a board of Examiners in the Basic Sciences which shall consist of five members. Said Board shall conduct a written examination of all persons who hereafter apply:

1. To the Board of Medical Examiners of the State of California for a physician's and surgeon's certificate, a drugless practitioner's certificate, a certificate to practice chiropody, a certificate to practice midwifery or any other certificate or license issuable by it; or
2. To the Board of Dental Examiners of California for registration as a licensed dentist; or
3. To the Board of Osteopathic Examiners of California, established by the Osteopathic Act adopted by the electors November 7, 1922, for any certificate or license which may be issued by said Board under said Osteopathic Act or under the Business and Professions Code; or
4. To the State Board of **Chiropractic** Examiners for any of the licenses which may be issued by it under the initiative act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of **chiropractic**, creating the State board of **Chiropractic** Examiners and declaring its powers and duties, prescribing penalties for violation hereof and repealing all acts and parts of acts inconsistent herewith." adopted by the electors November 7, 1922; or
5. To the above named boards or any other Board or Agency of governmental authority now existing or hereafter created for any license, certificate or other instrument authorizing the holder thereof to treat the sick or afflicted or to practice the healing art or any branch or phase thereof or to engage in or practice any system or method of healing that may now or hereafter be the subject of any legislation by the people of the State of California or by the Legislature thereof.

(b) Said examination shall include all of the basic sciences, provided, however, that two anatomy examinations designated "Anatomy A--Anatomy of the Human Body" and "Anatomy B--Anatomy of the Human body with Special Emphasis on Structures Above the Clavicle", respectively, shall be offered in each examination and each applicant shall be permitted to select either one or the other of said anatomy examinations.

(c) No person may apply to any of said Boards or Agencies designated in this Section 3 for any of the certificates or licenses issued or granted by any of said Boards or Agencies, unless he holds a valid basic science certificate issued by the Board of Examiners in the Basic Sciences.

Section 4. The Governor shall, within thirty (30) days after this act takes effect, appoint the first members of the Board of Examiners in the Basic Sciences. The first members of the Board and all subsequent appointees shall be selected because of their knowledge of the Basic Sciences and each person appointed shall be and remain an associate professor or full professor in one or more of the Basic Sciences at a university or college in this State of equal or higher rank than a State college or an active full time member of the faculty in one or more of the Basic Sciences in a State college established under the laws of this State; provided, however, that only one (1) member shall be appointed from any one university, State college or other institution of learning. The first members of said Board shall be appointed one for one year, one for two years, one for three years, one for four years and one for five years, from the date of their respective appointments. On the expiration of the term of five (5) years. On the death, resignation, disqualification or removal of any member, the Governor shall fill the vacancy by appointment for the unexpired portion of such member's term. No member of the Board shall be actively engaged in the practice of the healing art or any branch thereof. Each member shall have resided in this

State not less than five (5) years next preceding his appointment and shall be a citizen of the United States of America.

Section 5. The Board shall organize as soon as practicable after its appointment. It shall elect officers, including a chairman, a vice-chairman and officers, including a chairman, a vice-chairman and a secretary, adopt a seal, and make and enforce such rules as it deems expedient to carry this act into effect. The Board must keep a record of its proceedings, which shall be prima facie evidence of all matters contained therein. Three (3) members of the Board shall constitute a quorum.

Section 6. The Board may employ special agents and such clerical and other assistants as it may deem necessary and fix the compensation to be paid for such services and may incur such other expenses as such services and may incur such other expenses as it may deem necessary. Each member of the Board shall receive \$10.00 per diem and actual expenses when actively engaged in the discharge of his duties. The compensation of the members of the board and the other expenses of the Board shall, as far as possible, be paid out of the board of Basic Science Examiners' fund. The Attorney General shall act as attorney for the Board and advise it in the performance of its duties.

Section 7. The Department of Professional and Vocational Standards shall furnish the Board with suitable offices and quarters in which to conduct its administrative duties and the examinations to be held by it.

Section 8. The fee payable by each applicant for examination or re-examination shall be determined by the Board but shall be not less than Five (\$5.00) Dollars nor more than Fifteen (\$15.00) Dollars.

Section 9. The Board shall issue a basic science certificate to each successful applicant after examination in the basic sciences. Each basic science certificate shall be in the form prescribed by the Board and signed by its chairman, vice- chairman or secretary.

Section 10. The sum of \$5,000.00 is hereby appropriated from the general fund of this State to carry out the purposes of this act, provided that said sum is to be returned to the general fund as soon as the Board determines that it has sufficient funds to administer and carry out the provisions of this act. The State Treasurer shall place said sum in a special fund which shall be known as the "Board of Basic Science Examiners' Fund", which fund is hereby created.

Section 11. All moneys received by the Board shall be reported at the beginning of each month for the month preceding to the State Controller. At the same time the entire amount of such receipts shall be paid into the State Treasury. The State Treasurer shall place the money so received in said special fund known as the "Board of Basic Science Examiners' Fund" and said fund shall not be drawn upon or used for any purpose other than as set forth in this act.

Section 12. Said "Board of Basic Science Examiners' Fund" shall be held solely for the uses of the Board and out of it shall be paid all compensation and all other necessary and proper expenses in carrying out the provisions of this act upon claims against the State approved by the Board or a finance committee thereof.

Section 13. The Board shall conduct examinations in the basic sciences at least two times each year. Said examinations shall be held during the months of April and October. The April examination shall be held in San Francisco and the October examination shall be held in Los Angeles. The Board may conduct two additional examinations which shall be held in the month of January in Sacramento and in the month of July in Los Angeles. The examination shall be conducted in writing in such a manner that the applicant shall be known by number only until the examination papers have been read and the proper grades determined. The examination shall be of

such a nature as to constitute a reasonable test as to whether the person so examined has such knowledge of the elementary principles of the basic sciences as should be acquired after the completion of a course of instruction of approximately four semester hours or units in each of said basic sciences at the University of California or other college or university of equal rank. The Board shall establish rules for the conduct of all examinations, grading of examination papers and passing upon the technical qualifications of applicants. An applicant, to pass an examination, must obtain a grade of not less than 70% in each subject and a total average of 75% in all subjects. If an applicant fails, he may be re-examined at any subsequent examination. Such re-examination shall include all of the basic sciences.

Section 14. No Certificate shall be issued by the Board unless the person applying for it submits evidence satisfactory to the Board: (1) that he is not less than 21 years of age, (2) that he is a person of good moral character, (3) that before he began the study of the healing art he was graduated by a high school accredited by the University of California or a school of similar educational grade or that he possesses educational qualifications equivalent to those required for graduation by such an accredited high school, and (4) that he has a knowledge of the basic sciences as shown by his passing an examination therein given by the Board pursuant to this act.

Section 15. The Board shall in no manner discriminate against any system or branch of healing and no applicant shall be required to disclose which system or branch of the healing art he intends to pursue.

Section 16. Any basic science certificate and any license or certificate to practice the healing art or any branch thereof issued contrary to this act is void. A complete list of all current applicants for certificates or licenses shall be submitted, at least twice each year, to the Board of examiners in the Basic Sciences by all boards and agencies designated or referred to in Section 3 of this act. Any Board in this State which has issued a certificate or license on the basis of a void basic science certificate must revoke or cancel that certificate or license. The procedure for such revocation or cancellation shall be in accordance with the provisions of the act under which such certificate or license was issued, authorizing the cancellation or revocation of certificates or licenses generally. The basic science certificate issued to any person shall be revoked automatically by the revocation of any license to practice the healing art or any branch thereof held by him.

Section 17. Any person who practices the healing art or any branch thereof without having obtained a valid certificate from the Board of Examiners in the Basic Sciences, except as unauthorized by this act, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more \$500.00 or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment.

Section 18. Any person who obtains or attempts to obtain or assists in obtaining a basic science certificate by dishonest or fraudulent means or who forges, counterfeits, issues or materially alters any such certificate or who obtains or attempts to obtain a license to practice the healing art or any branch thereof from any Board or officer authorized to issue any such license without first presenting to said Board or officer a valid certificate issued to the applicant by the Board of Examiners in the Basic Sciences is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500,000 or by imprisonment in the county jail for not more than one year, or both such fine and imprisonment.

Section 19. Upon collection by the proper officer of the Court, seventy-five (75) per cent of the fines or forfeitures of bail in any case in which any person is charged with the violation of this act shall be paid to the Board without placing the fine or forfeiture of bail in any special contingent or general fund in any county, city or township and the balance of twenty-five (25) per cent of the fines or forfeitures of bail shall be paid to the county where the action is tried. The Board shall, in accordance with the provisions of this act, report to the State Controller all fines,

penalties and forfeitures received for violations of this act and pay the same to the State Treasury for deposit in the Board of Basic Science Examiners' Fund.

Section 20. A person who has paid money or anything of value to a person not authorized to practice the healing art or any branch thereof, as compensation for services rendered in the practice of the healing art or any branch thereof, when the payor did not know at the time of payment that the payee was neither the holder of a certificate issued by the Board nor authorized to practice without such a certificate, may recover such money or the value of the thing paid, by an action in the Superior Court commenced within two years from the date of payment.

Section 21. The Board of Examiners in the Basic Sciences and the several boards authorized to issue certificates or licenses to practice the healing art or any branch thereof shall investigate every violation or claimed violation of this act coming within the scope of such boards respectively and report to the Attorney General or to the District Attorney of the county in which such violation occurred, all cases that in the judgment of such Board warrant prosecution. Members of the respective boards shall not be civilly liable for any mistake or error resulting in prosecution hereunder. It shall be the duty of the Attorney General and of the several District Attorneys to prosecute violations of this act.

Section 22. This act does not apply to pharmacists, nurses, dental hygienists, optometrists, barbers or cosmetologists practicing within the limits of their respective occupations; to any commissioned medical or dental officer in the United States Army or Navy or public health service, in the discharge of his official duties; nor to persons in this State holding physician's and surgeon's certificates, drugless practitioner's certificates, midwives' certificates, chiropodist's certificates, licenses to practice dentistry, licenses to practice osteopathy or licenses to practice **chiropractic** at the time this act takes effect; nor to persons who treat the sick by prayer in the practice of the religion of any well- recognized religious sect or organization.

Section 23. Nothing in this act shall be construed as repealing any statutory provision in force at the time of its adoption, provided, however, that in so far as it is inconsistent with or in modification of the **Chiropractic** Act submitted by the initiative and approved by the electors November 7, 1922, or the Osteopathic Act submitted by the initiative and approved by the electors November 7, 1922, each of said acts is hereby superseded, amended or modified, as the case may be. Except that as may be necessary in order to accomplish the purposes hereof, said **Chiropractic** Act and said Osteopathic Act are not hereby affected. Any Board authorized to issue licenses or certificates to practice the healing art or any portion or branch thereof may, in its discretion, accept certificates issued by the Board of Examiners in the Basic Sciences in lieu of examining applicants in such sciences or may continue to examine applicants in such sciences as heretofore.

Section 24. Should any section, clause, sentence or provision of this act be held to be invalid or unenforceable for any reason, such decision shall not be construed as affecting the validity of any of the remaining portions of this act, it being the intent of the people of the State of California that this act shall be considered as separable and the people of the State of California would have adopted the remainder of this act notwithstanding the invalidity of any such sentence, clause, section or provision.

1942

INITIATIVE MEASURES

PROPOSITIONS, CONSTITUTIONAL AMENDMENTS AND INITIATIVE MEASURES—Continued

2
UAL LEGISLATIVE SESSIONS
ID BUDGETS. Senate Constitutional Amendment 7. Article IV, section 2 and 3.
Requires annual sessions of Legislature, unless Governor in extraordinary session; all sessions, except extraordinary, commencing first Monday of March and continuing not exceeding 90 days; members' compensation provided by section 23 same Article; providing regular session as provided for. Requires Governor, within 60 days of each regular session, submit to Legislature budget for next year instead of next biennium now required; in other respects continues existing provisions of section 34 relating to State budgets.

3
BASIC SCIENCE ACT. Initiative.
Creates Board of Examiners in basic sciences (naming five sciences) comprising five members with prescribed qualifications appointed by Governor. Requires persons obtain basic science certificate from said Board after written examination before applying to Medical, Dental, Osteopathic or Chiropractic Boards, or other governmental authority, for license to practice healing art (defining same) or any phase thereof. Exempts various professions, present licensees and persons treating sick by prayer in practice of any well-recognized religion. Prescribes examination fees, penalties for violations and disposition of fines, requiring proceeds therefrom used for administering Act. Declares existing statutes not repealed.

4
PERSONAL INCOME TAX LAWS. Initiative Constitutional Amendment.
Amends Constitution, Article XIII section 11. Declares no law imposing income tax on natural persons, or their estates or trusts shall be valid unless approved by majority of voters after initiative proceedings therefor or after submission thereto at next general election following its passage by two-thirds of all members of each House of Legislature. Repeals 1935 Personal Income Tax Act, Chapter 329, Statutes 1935, and similar personal income tax laws enacted in manner inconsistent therewith, preserving liability for accrued taxes.

Yes		No	Yes		No	Yes		No
40,314	90,517	Alameda.....	68,160	84,638	67,063	84,886		
17	62	Alpine.....	17	62	40	45		
587	758	Amador.....	433	1,167	595	955		
2,560	4,569	Butte.....	2,752	5,727	2,611	5,875		
545	902	Calaveras.....	551	1,242	483	1,157		
560	1,132	Colusa.....	597	1,433	617	1,355		
7,191	17,466	Contra Costa.....	11,053	18,117	11,635	17,289		
271	457	Del Norte.....	317	530	343	612		
965	1,545	El Dorado.....	656	2,257	906	1,963		
12,663	17,002	Fresno.....	8,526	25,652	8,806	24,655		
725	1,791	Glenn.....	957	2,023	882	2,034		
2,682	6,509	Humboldt.....	4,264	6,950	3,382	8,069		
2,428	2,366	Imperial.....	1,643	3,886	2,002	3,341		
734	734	Inyo.....	502	1,130	906	814		
6,549	11,962	Kern.....	7,435	16,392	8,962	12,532		
2,090	2,919	Kings.....	1,502	4,383	1,553	4,286		
432	1,196	Lake.....	511	1,387	728	1,162		
796	1,613	Lassen.....	748	1,785	1,035	1,715		
23,481	308,737	Los Angeles.....	218,517	539,971	352,707	369,346		
1,230	1,911	Madera.....	847	2,777	996	2,717		
4,124	6,797	Marin.....	6,278	6,154	7,419	5,385		
388	543	Mariposa.....	319	771	430	669		
1,186	3,358	Mendocino.....	1,552	3,728	1,638	3,561		
2,121	4,218	Merced.....	2,334	5,046	2,246	5,255		
354	798	Modoc.....	301	920	410	855		
118	172	Mono.....	80	274	176	176		
4,551	6,733	Monterey.....	5,081	7,644	5,418	7,345		
1,510	4,366	Napa.....	3,219	3,465	3,349	3,366		
1,812	1,419	Nevada.....	1,266	2,354	1,862	1,840		
13,148	17,736	Orange.....	9,820	27,259	15,647	18,867		
2,462	2,984	Placer.....	1,597	4,639	1,928	4,146		
654	915	Plumas.....	506	1,275	670	1,176		
6,791	12,309	Riverside.....	6,691	16,697	9,908	11,388		
10,738	17,536	Sacramento.....	11,108	29,942	14,393	27,617		
578	1,682	San Benito.....	1,209	1,129	752	1,805		
0,284	19,284	San Bernardino.....	8,957	26,541	13,302	20,046		
1,393	35,954	San Diego.....	22,212	42,704	28,287	34,755		
7,461	88,492	San Francisco.....	89,027	72,257	96,263	72,095		
4,385	18,343	San Joaquin.....	6,021	19,891	6,998	17,924		
2,081	4,669	San Luis Obispo.....	2,872	5,212	2,478	5,270		
8,585	18,504	San Mateo.....	14,881	15,197	17,755	13,560		
7,580	6,666	Santa Barbara.....	5,426	11,428	9,039	7,185		
9,506	27,452	Santa Clara.....	17,935	26,601	17,080	24,559		
2,924	6,922	Santa Cruz.....	4,404	7,035	4,386	6,526		
1,484	3,185	Shasta.....	1,401	3,915	1,969	3,396		
134	313	Sierra.....	140	371	192	319		
2,127	2,835	Siskiyou.....	1,915	3,707	2,399	3,157		
3,800	7,252	Solano.....	4,325	7,927	5,380	7,446		
3,343	10,225	Sonoma.....	5,774	10,895	5,857	9,847		
5,330	8,403	Stanislaus.....	4,274	11,458	4,085	10,989		
701	2,509	Sutter.....	686	2,887	910	2,665		
674	2,010	Tehama.....	779	2,329	811	2,291		
289	507	Trinity.....	282	590	406	540		
5,776	8,308	Tulare.....	4,292	11,962	4,925	11,201		
527	1,577	Tuolumne.....	850	1,716	826	1,562		
4,840	6,326	Ventura.....	3,723	9,497	4,846	8,034		
2,062	2,932	Yolo.....	2,264	3,460	2,088	3,525		
675	2,086	Yuba.....	555	2,566	920	2,160		
3,316	840,494	Totals.....	584,324	1,132,957	763,700	907,311		